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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,447	04/14/2005	Ryuji Nagai	5553NAGI-1	6972
62574	7590	12/22/2008		
Jason H. Vick Sheridan Ross, PC Suite # 1200 1560 Broadway Denver, CO 80202				
EXAMINER				
GEDEON, BRIAN T				
ART UNIT		PAPER NUMBER		
3766				
NOTIFICATION DATE		DELIVERY MODE		
12/22/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jvick@sheridanross.com

Office Action Summary

Application No.

10/531,447

Applicant(s)

NAGAI ET AL.

Examiner

Brian T. Gedeon

Art Unit

3766

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-60 is/are pending in the application.
- 4a) Of the above claim(s) 31-58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 59 and 60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date 2/27/2006, 1/11/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group II in the reply filed on 16 September 2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Status of Claims

2. Claims 1-30 are currently cancelled, claims 31-58 are withdrawn, and claims 59-60 are pending.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d) from Japanese Patent Application No. 2002-301074 filed 15 October 2002. Acknowledgement is also made of applicant's claim for priority as the National Stage entry of PCT/JP03/13035 under 35 U.S.C. 371 filed 10 October 2003.

Information Disclosure Statement

4. The information disclosure statements filed 27 February 2006 and 11 January 2006 have been considered. The Examiner, however, failed to consider item 9 from the IDS filed 27 Feb 2008 due to a lack of a suitable English translation.

Drawings

5. The drawings filed 14 April 2005 have been acknowledged and approved for examination.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 59 and 60 are rejected under 35 U.S.C. 102(e) as being anticipated by Brodnick (US Patent no. 6,892,093).

In regard to claims 59 and 60, Brodnick describe a method for real time display of an electrocardiogram signal. The objective of Brodnick is to correct any baseline drift that occurs in an electrocardiogram signal due to noise, col 3 lines 23-32 and col 4 lines 17-32. Figures 3(a)-3(f) mimic the general shape of the QRS complex of the cardiac cycle, and demonstrate the effect of drift on the output region of the display. The figures also demonstrate the corrective effect to restore the signal to baseline and within the output region of the display. Figures 8(a)-8(h) depict similar effects, col 6 line 50 - col 7 line 40. The method of Brodnick can be utilized in real-time cardiac monitors, invasive

electrophysiological devices, exercise stress systems, defibrillators, portable ECG monitors, etc, along with any system comprising a data display, col 7 lines 58-67.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Japanese Patent Application no. 5-141992 (item 6, IDS dated 27 Feb 2008) discloses a method for controlling the display of data in a moving display window, and moving the display scale when a value of new data exceeds a limit of the currently defined display scale, para 7-10. These paragraphs are considered to read upon the limitation requiring "scrolling [of] the electrocardiogram for the cardiac cycle in the output region in a different direction of cardiac electric potential variation components such that the cardiac cycle is displayed in the output region" in the event that the signal produced by the new data should drift due to noise.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian T. Gedeon whose telephone number is (571) 272-3447. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl H. Layno can be reached on (571) 272-4949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl H. Layno/
Supervisory Patent Examiner, Art Unit 3766

Carl H. Layno
Examiner
Art Unit 3766

/B. T. G./
Examiner, Art Unit 3766
15 December 2008